

STATE OF TEXAS §  
COUNTIES OF ARANSAS §  
SAN PATRICIO AND NUECES §  
CITY OF ARANSAS PASS §

On this the 20<sup>th</sup> day of October, 2008 the City Council of the City of Aransas Pass convened in a Regular Council Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Tommy Knight, Mayor  
Jay Attaway, Mayor Pro Tempore  
Vickie Abrego, Council Member  
Karen Mayer, Council Member

ABSENT: Frank Hametner, Council Member

ADMINISTRATIVE PERSONNEL PRESENT: Mike Sullinger, Interim City Manager  
Allen Lawrence, City Attorney  
Ada Owens, City Secretary

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines, Asst. Police Chief/Harbormaster  
Frank Truitt, City Inspector  
Don Brummett Acting Public Works Director  
Rickie Kilgore Interim Fire Chief

OTHERS PRESENT: Ralph & Lu Arcemont, John Irvin, Phil & Nell Reynolds, Jeanie Brummett, Kelse Jennings, Margaret Hoese, David Underbrink/Naismith Engineering, Ann P. Melton, Tray Bates/Bates & Branscomb, Rosemary Vega/Chamber of Commerce, Tom & Dorothy Morse, Jennifer Merkel, Dusty Burriola, Capt. Fred Comingore, Jennifer Thomas

*There may have been others present who did not sign in.*

**ITEM 1. CALL MEETING TO ORDER.**

Mayor Knight called the meeting to order at 7:00 p.m. on October 20, 2008.

**ITEM 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Council Member Abrego gave the invocation. Mayor Knight led the Pledge of Allegiance to the United States flag.

**ITEM 3. CONSENT AGENDA:** *“All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.”*

- A. Approval of minutes of October 6, 2008.
- B. Consider and Act on Approval of Ordinance 2008-3947-Rezoning Farm Lot 7, Landblock 209, San Patricio County, Texas from Residential (R7A) to Mobile Home District (MH).
- C. Consider and Act on Request of Aransas Pass Chamber of Commerce to hold the Second Annual “Holiday on the Harbor” in Conn Brown Harbor on December 5-6, 2008.

After a report on the “Holiday on the Harbor” festival by Chamber of Commerce CEO Rosemary Vega, Council Member Mayer made the motion to approve the Consent Agenda. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 4. CONSIDER AND ACT ON RESOLUTION 2008-607, A RESOLUTION OF THE CITY OF ARANSAS PASS, TEXAS ENTERING INTO A PROJECT AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE CONSTRUCTION OF A BOATING ACCESS FACILITY ON CONN BROWN HARBOR.**

Interim City Manager Mike Sullinger stated the grant would allow the City to improve the boating in Conn Brown Harbor. He stated the grant was approximately \$40,000.00 and TPWD had stated Aransas Pass was first on the list (of applicants).

Mayor Pro Tempore Attaway made the motion to adopt Resolution 2008-607 entering into a Project Agreement with the Texas Parks and Wildlife Department for the Construction of a Boating Access Facility on Conn Brown Harbor. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 5.**                    **CONSIDER AND ACT ON APPROVING CONN BROWN HARBOR LEASE 2008-006.**

Mr. Kelse Jennings stated his company would do boat repairs and service on the property.

After a short discussion, Council Member Mayer made the motion to approve Conn Brown Harbor Lease 2008-006. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 6.**                    **CONSIDER AND ACT ON REQUEST OF SLOWRIDE KAYAK TO HOLD THE EVERYTHING KAYAK EXPO AT THE COMMUNITY PARK AND SHRIMPOREE GROUNDS.**

Discussion regarding the Expo and the City assisting with area maintenance and fencing material, and proof of liability insurance for the Expo was held.

Council Member Abrego made the motion to approve the request of Slowride Kayak to hold the “Everything Kayak Expo” at the Community Park and Shrimporee Grounds on the condition that proof of insurance is submitted to the City before the Expo is held. Council Member Mayer seconded the motion and the motion carried unanimously.

**ITEM 7.**                    **CONSIDER AND ACT ON APPOINTMENTS TO THE PLANNING AND ZONING COMMISSION.**

Mayor Knight appointed Laura Simank as Chairperson, Earl Buckmaster and Ramona Moreno to the Planning and Zoning Commission.

Mayor Pro Tempore Attaway made the motion to approve Mayor Knight’s appointment of Simank as Chairperson and Earl Buckmaster and Ramona Moreno to the Planning and Zoning Commission. Council Member Mayer seconded the motion and the motion carried unanimously.

Council Member Abrego stated other citizens should be given a chance to serve on the Board.

**ITEM 8.**                    **UPDATE AND DISCUSSION REGARDING MARKETING THE LWR AND AIRPORT PROPERTIES.**

Mr. Tray Bates with Bates & Branscomb and Mr. David Underbrink with Naismith Engineering displayed a map showing the outline of the LWR and airport property. Mr. Bates stated if the southwest corner of the airport property could be squared off (thereby enlarging) the property would be easier to develop. He stated he needed confirmation on how much land around the Wastewater Treatment Plant (WWTP) would be conveyed and not interfere with any growth of the WWTP. He stated the property lines would be finalized.

Mr. Bates distributed a brochure developed to advertise and promote the sale of the LWR and airport properties. He stated he would follow up with a due-diligence package which would include a survey of the tracts and he expected to have the packages during the first quarter (2009).

Council Member Abrego asked when would the Council have to decide (on the property lines)?

Mr. Underbrink stated no properties included in grants, parks or estuaries would be included within the property lines. He stated the brochure would be distributed next week if the Council was in agreement on the property lines. He stated pre-proposal meetings with potential bidders would be held in January.

It was the consensus of the Council that Mr. Bates proceed with the brochure.

Council Member Mayer and Mayor Knight questioned Mr. Bates regarding an appraisal on the properties.

Mr. Bates stated he would get appraisals on the properties.

City Attorney Allen Lawrence stated the Council had previously approved the appraisal of the properties.

**ITEM 9. CONSIDER AND ACT ON APPROVING REQUEST OF SOUTHERN OAKS TO BURN BRUSH ON THE DEVELOPMENT PROPERTY.**

The City Manager gave a description of the burn site on the Southern Oaks (previously Iron Gator) property and stated the Interim Fire Chief had inspected the property. He stated he recommended approval because otherwise the brush would be put in the City's dump and it would cost the City to dispose of the brush.

Discussion was held regarding the requirement of a TCEQ permit to burn the brush.

City Inspector Frank Truitt stated brush could not be burned on the Southern Oaks property because it would be a violation of the City's ordinance. He stated Iron Gator (the previous owner) had burned brush on the site before the property was annexed.

Discussion was held on TCEQ permitting, picking up commercial brush and burying the brush.

Mr. Truitt stated brush could be burned outside the City Limits with a TCEQ permit.

Council Member Mayer made the motion to deny the request of Southern Oaks to burn brush on the development property inside the City Limits. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 10. PUBLIC HEARING ON THE REQUEST OF ARANSAS PAWN AND JEWELRY / TIMOTHY & MAUREEN MURPHY TO RENEW THEIR CONDITIONAL USE PERMIT FOR OUTSIDE STORAGE ON LOTS 1-4, BLOCK 250 AT 1045 W WHEELER, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS.**

City Attorney Allen Lawrence declared the Public Hearing open at 7:25 p.m. on the request of Aransas Pawn and Jewelry / Timothy & Maureen Murphy to renew their Conditional Use Permit for outside storage on Lots 1-4, Block 250 at 1045 W Wheeler, Aransas Pass, Texas, San Patricio County. The property is zoned (GB) General Business. He asked if anyone was present to speak for the request. There was no one.

The City Attorney stated the Planning and Zoning Commission had previously met on this request and recommended approval of a perpetual Conditional Use Permit with the conditions stated.

The City Attorney asked if there was anyone present to speak against the request. Seeing no one, the City Attorney closed the Public Hearing at 7:27 p.m.

**ITEM 11. CONSIDER AND ACT ON REQUEST OF ARANSAS PAWN AND JEWELRY / TIMOTHY & MAUREEN MURPHY TO RENEW THEIR CONDITIONAL USE PERMIT FOR OUTSIDE STORAGE ON LOTS 1-4, BLOCK 250 AT 1045 W WHEELER, ARANSAS PASS, TEXAS, SAN PATRICIO COUNTY. THE PROPERTY IS ZONED (GB) GENERAL BUSINESS.**

Council Member Mayer made the motion to approve the request of Aransas Pawn and Jewelry / Timothy & Maureen Murphy to renew their Conditional Use Permit for outside storage on Lots 1-4, Block 250 at 1045 W Wheeler with the conditions that all items to be kept on their property; property is to be kept neat and clean; all items to be stored inside the fenced enclosure at night and the permit to be perpetual. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 12. PUBLIC HEARING ON THE REQUEST OF HOPE COMINGORE AND DUSTY BURRIOLA TO REZONE LANDBLOCK 238, LOT 2, LEROY ROSE SUBDIVISION, CITY OF ARANSAS PASS, TEXAS, ARANSAS COUNTY. THE PROPERTY IS ZONED (R7B) SINGLE-FAMILY DWELLING, 7000 SQ FT. HOPE COMINGORE AND DUSTY BURRIOLA ARE REQUESTING TO REZONE TO (GB) GENERAL BUSINESS TO CORRECT THE DEFICIENCY IN ZONING.**

City Attorney Allen Lawrence declared the Public Hearing open at 7:29 p.m. on the request of Hope Comingore and Dusty Burriola to rezone Landblock 238, Lot 2, Leroy Rose Subdivision, to General Business. He asked was anyone present to speak for the request.

Ms. Hope Comingore spoke for her request saying part of the property was zoned commercial and the other part was zoned residential. She stated the request was to correct the split zoning on the property.

The City Attorney stated the Planning and Zoning Commission had previously met and recommended approval of the request for rezoning. He asked was anyone present to speak against the request? Seeing no one, the City Attorney closed the Public Hearing at 7:32 p.m.

**ITEM 13. CONSIDER AND ACT ON REQUEST OF HOPE COMINGORE AND DUSTY BURRIOLA TO REZONE LANDBLOCK 238, LOT 2, LEROY ROSE SUBDIVISION, CITY OF ARANSAS PASS, TEXAS, ARANSAS COUNTY. THE PROPERTY IS ZONED (R7B) SINGLE-FAMILY DWELLING, 7000 SQ FT. HOPE COMINGORE AND DUSTY BURRIOLA ARE REQUESTING TO REZONE TO (GB) GENERAL BUSINESS TO CORRECT THE DEFICIENCY IN ZONING.**

Mayor Pro Tempore Attaway made the motion to approve the request of Hope Comingore and Dusty Burriola to rezone Landblock 238, Lot 2, Leroy Rose Subdivision, to General Business. Council Member Abrego seconded the motion and the motion carried unanimously.

**ITEM 14. CONSIDER AND ACT ON APPROVING ORDINANCE 2008-3948 – INCREASING UTILITY RATES.**

Mayor Knight stated the utility rate increase was approved in the budget and was a pass-through water rate increase from the San Patricio Municipal Water District.

Council Member Mayer made the motion to approve Ordinance 2008-3948 increasing utility rates. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 15. CONSIDER AND ACT ON APPROVING CHANGE ORDER NO. 2 FOR CITY HALL ADDITION AND RENOVATIONS.**

The City Manager stated the change order included credit for the asbestos abatement, charges for upgrading the carpet, and adding the phone system for a total of \$10,389.55.

Council Member Abrego made the motion to approve Change Order No. 2 for City Hall addition and renovations. Council Member Mayer seconded the motion and the motion carried unanimously.

**ITEM 16. CONSIDER AND ACT ON APPROVING PAY APPLICATION NO. 3 FOR CITY HALL ADDITION AND RENOVATIONS.**

After brief discussion, Council Member Mayer made the motion to approve Pay Applications No. 3 for \$58,330.00 and Pay Application No. 4 for \$140,695.00 for City Hall. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 17. CONSIDER AND ACT ON APPROVING PAY APPLICATION NO. 4 FOR CITY HALL ADDITION AND RENOVATIONS.**

Approved under Item 16.

**ITEM 18. CONSIDER AND ACT ON APPROVING PAY APPLICATION NO. 9 FOR CIVIC CENTER.**

The City Manager stated the Municipal Development District had approved payment for Pay Application No. 9.

Council Member Mayer made the motion to approve Pay Applications No. 9 for \$240,420.60 for the Civic Center. Mayor Pro Tempore Attaway seconded the motion and the motion carried unanimously.

**ITEM 19. REPORTS FROM CITY MANAGER AND STAFF AND PUBLIC COMMENTS:** *At this time the Mayor, City Council, Staff and Public comments may be given. Reports or updates on any assignments which include but are not limited to grants, building and development, budgets, financial reports and any other projects may be given. No formal action can be taken on any of these items at this time. Comments will be limited to 3 minutes each.*

The City Manager stated he met with the Water Board in Austin last Tuesday regarding a grant for the \$4M project to extend water service to the Fulman Addition. He stated the grant should be 90/10 grant with the City paying 10% of the cost of the project. He stated the sewer line would be carried from Deberry Avenue to Highland Ave then to Commercial Street and the WWTP which would alleviate the sewer problems the City has experienced since the build up on the west side of the City (Lowes, Walmart,

